

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 IO-14 FEA-01 ACDA-10 CIAE-00
INR-07 L-03 NSAE-00 NSC-05 EB-07 NRC-07 DODE-00
SS-15 SP-02 AF-10 ARA-14 EA-09 NEA-10 /134 W
-----101341 181928Z /47

R 181451Z JUL 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 2581
INFO USERDA HQ WASHDC
USERDA HQ GERMANTOWN

UNCLAS SECTION 1 OF 2 VIENNA 6628

USIAEA

DEPT PASS IO/SCT

EO 11652: N/A

TAGS: CORRECTIONS MADE TO PROVISIONAL RECORD OF AD HOC ADVISORY
GROUP ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

1. MISSION AND EGYPTIAN AMBASSADOR SIRRY HAVE IDENTIFIED
NEED FOR SUBSTANTIAL CORRECTIONS TO AGENCY DOCUMENT
GOV/COM.23/OR.32, PROVISIONAL RECORD OF 32ND MEETING OF
AD HOC ADVISORY GROUP ON NEPP. A REVISED
VERSION OF THE TEXT FROM PARA 91 TO ENED, BASED ON RE-
HEARING OF THE TAPED RECORDS AND INCORPORATING CORRECTIONS
SUBMITTED BY FRG HAS BEEN SENT TO PARTICIPANTS IN
DISCUSSIONS AT CORRESPONDING PART OF MEETING. SECRETARIAT
REQUESTS RECEIPT OF ANY FURTHER MODIFICATIONS OR
CORRECTIONS BY JULY 26.

2. CHANGES PROPOSED TO DOCUMENT GOV/COM.23/OR.EW FOLLOW:

A. COMBINE AND MODIFY PARAS 94 AND 95 TO READ AS
FOLLOWS: QUOTE 94. MR. SIRRY (EGYPT) POINTED OUT
THAT HIS DELEGATION HAS PROPOSED THAT PART OF THE
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PRINCIPLE. HE BELIEVED THAT THERE WAS AN OBLIGATION
TO SUPPLY INFORMATION UNDER ARTICLE V OF THE NPT,
WHICH CALLS UPON EACH PARTY TO UNDERTAKE APPROPRIATE
MEASURES. IN THE ABSENCE OF INFORMATION, NO NON-
NUCLEAR-WEAPON STATE PARTY TO THE TREATY WOULD BE
ABLE TO ENTER UPON A PNE PROJECT AND ARTICLE V WOULD
BE WITHOUT MEANING. HE WISHED TO MAKE CLEAR THAT

THE INFORMATION TO WHICH HE REFERRED WAS NOT THAT RELATED TO NUCLEAR EXPLOSIVE DEVICES THEMSELVES, BUT RATHER TECHNICAL INFORMATION CONCERNING THEIR USE IN APPLICATIONS FOR PEACEFUL PURPOSES. A NON-NUCLEAR-WEAPON STATE NEEDED SUCH INFORMATION IN ORDER TO DECIDE WHETHER IT COULD UTILIZE PNE PROJECT SERVICES FOR SUCH APPLICATIONS. HE CONSIDERED THE PHRASE INNER QUOTE IN A MANNER CONSISTENT WITH THEIR LEGAL OBLIGATION INNER QUOTE TO BE UNNECESSARY AND PROPOSED IT BE DELETED. END QUOTE.

B. CHANGE NUMBER PARA 96 TO 95.

C. CHANGE NUMBER PARA 97 TO 96 AND IN SECOND SENTENCE CHANGE "SHOULD" TO "COULD."

D. CHANGE NUMBER PARA 98 TO PARA 97, AND REVISE TO READ AS FOLLOWS: QUOTE 97. MR. MCDONALD (AUSTRALIA) SAID THAT THE QUESTION OF WHETHER STATES WERE LEGALLY OBLIGED TO PROVIDE INFORMATION ABOUT NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES WAS A SEPARATE ISSUE AND NOT ADDRESSED IN THE PARAGRAPH UNDER DISCUSSION, WHICH WAS CONCERNED WITH ENSURING THAT THE AGENCY HAD SUFFICIENT INFORMATION TO DISCHARGE ITS ROLE IN AN INTERNATIONAL SERVICE. MUCH OF THAT INFORMATION WOULD UNCLASSIFIED

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HAVE TO BE SUPPLIED ON A VOLUNTARY BASIS SINCE THERE WAS NO LEGAL OBLIGATION TO DO SO. THE QUALIFICATION AT THE END OF THE PARAGRAPH WAS UNDERSTOOD BY HIM TO HAVE INTENDED TO REMOVE ANY CONCERN THAT THE PRECEDING PART OF THE SENTENCE WAS SUGGESTING THAT INFORMATION SHOULD BE GIVEN TO THE AGENCY, SUCH AS THAT RELATED TO THE NUCLEAR EXPLOSIVE DEVICES, WHICH IT WAS NOT IN THE LEGAL POWER OF THE STATE TO PROVIDE. NOTHING IN THE PRINCIPLE, AS FORMULATED, DETRACTED FROM THE RIGHTS OF STATES TO RECEIVE INFORMATION FROM OTHER STATES IN ACCORDANCE WITH ARTICLE V. END QUOTE.

E. ADD NEW PARAS 98, 99 AND 100 AS FOLLOWS: QUOTE 98. THE CHAIRMAN AGREED WITH THE POINT THAT THE QUALIFICATION REGARDING LEGAL OBLIGATION WAS INTRODUCED TO ENSURE THAT A NUCLEAR-WEAPON-STATE COULD NOT PROVIDE THE AGENCY WITH THE LATEST DESIGN OF NUCLEAR EXPLOSIVE DEVICES. THOSE STATES HAD A LEGAL OBLIGATION UNDER THE NPT NOT TO DO SO. HE SUGGESTED THAT THE WORD "OBLIGATION" SHOULD BE MADE "OBLIGATIONS." QUOTE 99. IT WAS SO AGREED.

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R 181451Z JUL 77
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QUOTE 100. MR. LABOWITZ (USA) STATED THAT HIS CONCERNS WITH PARAGRAPH 8 WENT BEYOND THE QUESTION OF WHETHER THE LAST WORD SHOULD BE "OBLIGATION" OR

"OBLIGATIONS;" HE HAD DIFFICULTIES ALSO WITH THE PRECEDING SENTENCE. HIS DELEGATION HAD NO DIFFICULTY WITH REFERENCE TO AGENCY ACTIVITIES BEING NON-DISCRIMINATORY. IT DID HAVE DIFFICULTY WITH THE CONCEPT THAT IN SOME WAY THE AGENCY WOULD ENSURE FULFILMENT OF THE NON-DISCRIMINATORY PROVISIONS OF ARTICLE V OF THE NPT, A TREATY TO WHICH THE AGENCY WAS NOT A PARTY. THEREFORE, HIS DELEGATION COULD ACCEPT A REPLACEMENT OF THE SENTENCE READING "THIS SHOULD INCLUDE PARTICIPATION IN THE MACHINERY TO IMPLEMENT THE NON-DISCRIMINATORY PROVISIONS OF ARTICLE V" BY THE SENTENCE "ALL AGENCY ACTIVITIES INVOLVING PNE PROJECT SERVICES SHOULD BE

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IN FULL ACCORDANCE WITH ITS STATUTE, INCLUDING THE PROVISIONS PERTAINING TO NON-DISCRIMINATION." END QUOTE

F. CHANGE NUMBERS PARA 100 AND 101 TO PARA 101 AND 102. CHANGE NUMBER PARA 102 TO PARA 103, AND MODIFY TO READ AS FOLLOWS: QUOTE 103. MR. VON WELCK (FEDERAL REPUBLIC OF GERMANY) POINTED OUT THAT THE TEXT GIVEN IN DOCUMENT GOV/COM.23/13/REV.1/ADD.1/REV.1 ALREADY REPRESENTED A COMPROMISE. IF THIS COMPROMISE TEXT WAS NOT ACCEPTABLE TO SOME DELEGATIONS IT SHOULD BE INCLUDED IN SQUARE BRACKETS. END QUOTE.

G. CHANGE NUMBER PARAS 103 AND 104 TO 104 AND 105. CHANGE NUMBER PARA 105 TO PARA 106, AND MODIFY TO READ AS FOLLOWS: QUOTE. 106. MR. VON WELCK (FEDERAL REPUBLIC OF GERMANY) SAID THAT, ACCORDING TO HIS RECOLLECTION, AGREEMENT HAD BEEN REACHED ON THE SENTENCE IN QUESTION DURING A WORKING PARTY MEETING. HE WONDERED WHETHER IT WOULD NOT BE POSSIBLE TO REPRODUCE BOTH TEXTS IN SQUARE BRACKETS. END QUOTE. H. CHANGE NUMBERS PARAS 106, 107 AND 108 TO PARAS 017, 108 AND 109. CHANGE NJMBER PARA 109 TO 110, AND MODIFY TO READ AS FOLLOWS: QUOTE 110. MR. VON WELCK (FEDERAL REPUBLIC OF GERMAY) SAID THAT HE

HAD ACCEPTED PARAGRAPH 6 AS IT STOOD ON THE UNDERSTANDING THAT HIS PROPOSAL REGARDING PARAGRAPH 8 WAS FOLLOWED. IF AGREEMENT ON THIS PROPOSAL COULD NOT BE REACHED, HE WAS BOUND TO REPEAT HIS FORMER SUGGESTION REGARDING PARAGRAPH 6, NAMELY THAT THE WORD "COULD" IN THE THIRD LINE OF PARAGRAPH 6 BE REPLACED BY "SHOULD." END QUOTE

I. CHANGE NUMBERS PARAS 110 AND 111 TO PARAS 111

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AND 112. INSERT A NEW PARA 113, READING AS FOLLOWS: QUOTE 113. MR. SIRRY (EGUPT), REFERRING TO THE EARLIER COMMITMENTS BY THE REPRESENTATIVE OF AUSTRALIA, AND BY THE CHAIRMAN, REGARDING THE MEANING OF THE PHRASE "LEGAL OBLIGATIONS" AT THE END OF THE PARAGRAPH, SAID THAT HE UNDERSTOOD THEIR INTERPRETATION TO BE THAT THE PHRASE MEANT TO REFER TO LEGAL OBLIGATIONS OF A SECURITY NATURE; THAT IS, NO CLASSIFIED INFORMATION WOULD BE TRANSMITTED. HE ASKED WHETHER THE REPRESENTATIVE OF THE UNITED STATES AGREED WITH THAT INTERPRETATION. END QUOTE. J. CHANGE NUMBER PARA 112 TO PARA 114, AND MODIFY TO READ AS FOLLOWS: QUOTE MR. LABOWITZ (USA) ACCEPTED THE PROPOSAL BY THE REPRESENTATIVE OF THE

FEDERAL REPUBLIC OF GERMANY. WITH RESPECT TO THE QUESTION BY THE REPRESENTATIVE OF EGYPT, HE CONFIRMED THAT THE LEGAL OBLIGATIONS WHICH HE HAD IN MIND WERE OF THE TYPE MENTIONED BY THE REPRESENTATIVE OF EGYPT. THE ATOMIC ENERGY ACT OF THE UNITED STATES AND THE NPT WERE EXAMPLES, IN THAT THEY INCLUDED RESTRICTIONS CONCERNING THE TRANSMISSION OF SECURITY INFORMATION. END QUOTE.

K. CHANGE NUMBERS PARAS 113 AND 114 TO PARAS 115 AND 116.

3. RE PARA 2.E ABOVE, NEW PARA 98 INCORPORATES PHRASE "CULD NOT PROVIDE THE AGENCY WITH THE LATEST DESIGN OF NUCLEAR EXPLOSIVE DEVICES." WHILE THIS PHRASING CORRECTLY STATES RECORD OF CHAIRMAN'S REMARK, WE BELIEVE REVISION TO READ "COULD NOT

PROVIDE THE AGENCY WITH INFORMATION CONCERNING THE DESIGN OF NUCLEAR EXPLOSIVE DEVICES" WOULD MORE ACCURATELY REFLECT CHAIRMAN'S INTENT. MISSION HAS PRIVATELY APPROACHED AUSTRALIAN MISSION TO UNCLASSIFIED

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ENLIST THEIR INITIATIVE ON CHAIRMAN WILSON'S BEHALF

FOR THIS CHANGE.

4. WITH POSSIBLE EXCEPTION OF CHANGE NOTED PARA 3 ABOVE, MISSION INTENDS TO ACCEPT CORRECTED TEXT AS

QUOTED PARA 2 ABOVE ABSENT ADVICE TO CONTRARY. STONE

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Message Attributes

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Disposition Approved on Date:
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